
HOUSE BILL No. 1192

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4.7.

Synopsis: Do not call list for businesses. Allows, beginning with the quarterly listing for the quarter beginning October 1, 2009, the telephone number of an Indiana business to be placed on the quarterly listing of telephone numbers of Indiana consumers that request not to be solicited by telephone. Specifies that the statute governing the listing applies only to an Indiana telephone number or to a telephone number assigned to a subscriber whose primary place of use for the telephone service is in Indiana. Requires the consumer protection division of the attorney general's office to include a breakdown of the listing's residential and business subscribers in the division's annual report to the regulatory flexibility committee.

Effective: July 1, 2009.

Pearson

January 12, 2009, read first time and referred to Committee on Small Business and Economic Development.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1192

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-4.7-2-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. "Consumer" means
3 a residential **or business** telephone subscriber who: ~~is an actual or a~~
4 ~~prospective:~~

5 (1) **for the telephone service received:**

6 (A) **has a place of primary use in Indiana; or**

7 (B) **is issued an Indiana telephone number or an Indiana**
8 **identification number; and**

9 (2) **is an actual or a prospective:**

10 (1) (A) purchaser, lessee, or recipient of consumer goods or
11 services; or

12 (2) (B) donor to a charitable organization.

13 SECTION 2. IC 24-4.7-2-3 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. "Consumer goods or
15 services" means any of the following:

16 (1) Tangible or intangible personal property or real property that
17 is normally used for personal, family, ~~or~~ household, **or business**



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purposes.

(2) Property intended to be attached to or installed on real property without regard to whether it is attached or installed.

(3) Services related to property described in subdivision (1) or (2).

(4) Credit cards or the extension of credit.

SECTION 3. IC 24-4.7-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. "Listing" refers to the no telephone sales solicitation listing published by the division under IC 24-4.7-3 that lists the ~~names~~ **telephone numbers** of ~~persons~~ **consumers** who do not wish to receive telephone sales calls.

SECTION 4. IC 24-4.7-2-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7.5. "Place of primary use", with respect to a telephone subscriber, means the street address representative of where the subscriber's use of the telephone service primarily occurs, which must be:

(1) the residential street address or the primary business street address of the subscriber; or

(2) in the case of a subscriber of interconnected VOIP service, the subscriber's registered location (as defined in 47 CFR 9.3).

SECTION 5. IC 24-4.7-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. "Telephone number" means a residential or business telephone number that:

(1) is assigned to a subscriber who has a place of primary use in Indiana; or

(2) otherwise represents an Indiana telephone number or is associated with an Indiana identification number.

SECTION 6. IC 24-4.7-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A quarterly listing of telephone numbers of Indiana consumers who request not to be solicited by telephone shall be established, maintained, and published as provided in this section.

(b) The telephone number of a consumer shall be placed on the listing if the consumer requests to be added to the listing according to a procedure approved by the division. **Beginning with the quarterly listing for the quarter beginning October 1, 2009, the telephone number of a consumer that is an Indiana business shall be placed on the listing if the consumer requests to be added to the listing, according to a procedure approved by the division.**

(c) The listing shall be updated upon receipt of a request from a consumer.

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(d) A telephone solicitor may obtain a copy of the listing upon request of the telephone solicitor as provided in this section.

(e) The division shall establish a fee to be paid by a telephone solicitor for obtaining a copy of the listing. The fee established under this subsection may not exceed the amount necessary to cover the cost of providing the listing to telephone solicitors.

SECTION 7. IC 24-4.7-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The division shall notify Indiana residents **and businesses** of the rights and duties created by this article.

SECTION 8. IC 24-4.7-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The division shall, after June 30 and before October 1 of each year, report to the regulatory flexibility committee established by IC 8-1-2.6-4 on the following:

(1) For the state fiscal year ending June 30, 2002, the expenses incurred by the division in establishing the listing.

(2) The total amount of fees deposited in the fund during the most recent state fiscal year.

(3) The expenses incurred by the division in maintaining and promoting the listing during the most recent state fiscal year.

(4) The projected budget required by the division to comply with this article during the current state fiscal year.

(5) Any other expenses incurred by the division in complying with this article during the most recent state fiscal year.

(6) The total number of subscribers on the listing at the end of the most recent state fiscal year.

(7) The number of new subscribers added to the listing during the most recent state fiscal year.

(8) The number of subscribers removed from the listing for any reason during the most recent state fiscal year.

(b) For each state fiscal year, beginning with the state fiscal year ending June 30, 2010, the division shall, in reporting the information required under subsection (a)(6), (a)(7), and (a)(8), identify the number of subscribers that are residential subscribers and the number of subscribers that are business subscribers, to the extent determinable.

~~(b)~~ (c) The regulatory flexibility committee shall, before November 1 of each year, issue in an electronic format under IC 5-14-6 a report and recommendations to the legislative council concerning the information received under subsection (a).

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